

IT FINDS ITS WAY

FBI Data and Congress

By L. EDGAR PRINA

"We wouldn't be able to stay in business overnight if it weren't for The Bureau."

This statement was made to this reporter some time ago by a former special agent of the FBI who then was a staff investigator for a congressional committee dealing with communism and subversion.

His statement is in direct conflict with the FBI's position that it does not violate a presidential directive and make available confidential security information to the Congress. And it is in conflict with disclaimers from congressional committee members, who say they do not have access to FBI data.

The evidence is clear, however, that confidential FBI information does find its way into committee files by some means.

The issue of congressional use of executive agency security information has been raised again by the international controversy over the case of Herbert Norman, the Canadian Ambassador to Egypt, who jumped to his death recently in Cairo. The United States Senate Internal Security subcommittee shortly before had re-aired charges that he had had Communist associations. Subcommittee Counsel Robert Morris, in making the accusations, referred to a report by "a security agency." A storm of protest was heard in Canada, where it was charged that information provided by the Canadian government to the United States executive agencies had found its way to the Senate subcommittee.

The former agent's statement about congressional reliance on the FBI is exaggerated. Congressional Red-hunting committees have developed cases of their own, with little or no help from the FBI or other executive investigative arms.

Fuchs Case an Example

One such recent example involved the disclosures of Herbert Fuchs, a former law professor at American University. He told the House Un-American Activities Committee of his 12 years in the Communist Party and named associates in three underground cells in the Federal Government in the 1930s and 1940s. In another case of some note, Whittaker Chambers turned over his famous "pumpkin papers"—evidence which helped send Alger Hiss to prison—to the same committee.

But the ex-agent's basic point is a valid one. Without access to information developed by FBI and, to a lesser extent, military intelligence operatives—data which, by presidential directive, they are not supposed to have—Communist-

"we have eight or nine investigators," the then committee staff member said. "How could we possibly build up all the cases we have had without outside assistance? It just could not be done. We would have to keep lots of people under surveillance, but how could we do it with our small staff? The FBI has between 5,000 and 6,000 special agents."

Most of the executive investigative agencies maintain close liaison with the two congressional Red-hunting groups, each of which has had former FBI agents on its staff for years.

The Un-American Activities Committee in 1954 had four former bureau agents and one ex-Secret Service operative on its staff of investigators. The FBI has had one or more special agents assigned to glean data from the extensive files of the Un-American Activities Committee since the 1940s.

Information developed by the FBI which finds its way to the committees does not necessarily have to come directly from the Bureau nor does it have to be a formal report or memorandum. It can be passed by word-of-mouth tips and sum-

maries of reports. Or it can be a report turned over by another executive agency which received it from the FBI.

The Van Fossan Case

The much-publicized Van Fossan case was an example of the latter situation. Capt. Rex S. Van Fossan, the Air Force Office of Special Investigations liaison officer with the Un-American Activities Committee, turned over a photostated FBI security report to committee staff investigators.

All would have gone smoothly, but the Central Intelligence Agency learned of it, got hold of it long enough to photograph it and laid it before J. Edgar Hoover's top aides. The report concerned a man in whom CIA had an interest.

Capt. Van Fossan was separated from the Air Force under conditions "other than honorable," but was quickly hired by the House committee as an investigator. When a committee member leaked the story, Mr. Van Fossan was arrested and indicted on eight counts. When he pleaded guilty to a charge of "unlawfully converting to his own use 112 sheets of paper" owned by the Government and valued at less than \$100, seven felony counts were dropped.

Senator McCarthy caused an uproar during the Army-McCarthy hearings in 1954 when he submitted what was purported to be a copy of a letter from FBI Chief J. Edgar Hoover to the Senate.

Although Mr. Hoover denied that the McCarthy document was a "copy" of any FBI letter or report, it became clear at the hearing that the Senator's document contained much of the information included in a 15-page memorandum which the FBI director acknowledged he dispatched to Gen. Bolling on the same date—January 28, 1951.

Later, the Senator said that a young Army intelligence officer, whom he declined to identify, slipped him the FBI material. Although the Wisconsin Republican's explanation has not been generally questioned by the press and public, Army sources take it with a large grain of salt. They point out that despite an exhaustive G-2 investigation, the "leak" has never been found. They assert that Senator McCarthy, who then was at war with the Army and friendly with the FBI, could have protected the bureau and given the Army a blackeye in one stroke by pinning the leak on a G-2 officer.

Fulbright's Charges

A few months before the above situation developed, Senator Fulbright, Democrat of Arkansas, created a stir of almost equal proportions when he announced that he no longer would give the FBI information it seeks in security investigations because he was convinced that Senator McCarthy had access to the bureau's confidential files.

When Senator McCarthy denied he had such access and said he would never ask for it, Senator Fulbright quoted two statements the Wisconsin Republican made on the floor of the Senate which the Democrat said indicated that Senator McCarthy was able to obtain FBI data.

"He (McCarthy) said an FBI investigation of an Army major was 'excellent,'" according to Senator Fulbright. "He said the investigation by the FBI disclosed everything known about the major, and perhaps contained more information than we had about him." Then he went on to state what the FBI report contained.

Undoubtedly the best report on Soviet espionage in the United States ever made by a congressional group was the Un-American Activities Committee's famous document,